



March 7, 2025

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VIA ECF ONLY

Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr. Federal Building
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re	:	<i>Fuchs v. LC Carmel Retail LLC, and CVS Pharmacy, Inc.</i>
Case No.	:	7:24-cv-04147
<u>Our File No.</u>	:	<u>23089.00046</u>

Dear Judge Karas,

Our office represents defendant LC Carmel Retail LLC, in this matter which arises from an accident on a sidewalk adjacent to a CVS Store, leased by co-defendant CVS from defendant LC Carmel Retail LLC, and located in a shopping plaza. During the last Telephone Status Conference, the parties were directed to provide a written status update regarding the discovery in this matter, specifically as it relates to the scheduling of an additional witness deposition, on behalf of LC Carmel Retail LLC.

Please note, pursuant to Document No. 33 CVS's request for an additional witness deposition on behalf of LC Carmel Retail LLC was granted. However, in the interim we have been advised by the insurance carrier for LC Carmel Retail LLC of its intent to defend and indemnify CVS in the pending matter. Furthermore, we have been advised that the insurance carrier for LC Carmel Retail LLC and CVS are in the process of attempting to reach a resolution with regards to the details of the Tender Acceptance Letter and the fee reimbursement. In light of the aforementioned new development in this matter, it is respectfully requested that the deposition of the additional witness on behalf of LC Carmel Retail LLC will be held in abeyance, as plaintiff's counsel has expressed his intent not to proceed with an additional party witness deposition. Thus, the parties will continue to work towards completing all discovery disclosures on or before March 31, 2025, and upon confirmation that an agreement has been met regarding the details of the Tender Acceptance Letter and the fee reimbursement, defense counsel will file the appropriate Consent to Change Attorney.

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Lastly, the next Case Management Conference is currently scheduled for March 13, 2025, at 10:30 a.m.

Very truly yours,

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CVS
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